

REMARKS/ARGUMENTS

Reconsideration of this application in light of the above amendments and following comments is courteously solicited.

Applicant by the instant amendment has amended dependent claim 24 so as to correct an inadvertent typographical error. Claim 24 now reads claims "17 or 18" rather than "17 and 18".

Independent claims 17 and 18 have been amended so as to specify that the hollow metal external formed part is "non-slotted". It is respectfully submitted that all of the claims as amended patentably define over the art of record for the reasons set forth hereinbelow.

The examiner rejected previously submitted claims 17, 18 and 21-23 under 35 U.S.C. 102 as being anticipated by Allen et al. Applicant respectfully traverses this rejection as it applies to the claims as amended herein. The examiner in his rejection draws attention to column 4 lines 52-62 of the Allen et al. patent. Applicant likewise wishes to draw the examiner's attention to that same portion of the Allen et al. patent and specifically the portion thereof which sets forth the requirement for a thin slotted metal tube in order to avoid forming a radiation shield. Independent claims 17 and 18 have been amended so as to distinguish over the Allen et al. process in that the process claimed in both independent claims 17 and 18

require a partially hollow, "non-slotted" metal external formed part. In accordance with the teachings of the Allen et al. reference, such an external formed part can not be used in the Allen et al. process. Allen et al. specifically teaches that such an external formed part would form a radiation shield and thus be unusable in the process of Allen et al. Accordingly, it is submitted that claims 17 and 18 and the claims which depend therefrom, as amended in the instant amendment, patentably define over the Allen et al. '807 patent.

Claim 18 was further rejected under 35 U.S.C. 103 as being obvious over Fiedler et al. '392 in view of Niebylski et al. '392. Applicant respectfully traverses this rejection. Initially, it should be noted that the Fiedler et al. patent teaches a process wherein he is only able to foam in a molten state. This is quite different from the powder foaming process claimed in independent claim 18. Furthermore, there is no suggestion in the Fiedler et al. patent as to how to use a precursor material in a closed hollow tube. Accordingly, the process disclosed in Fiedler is quite different from that claimed in independent claim 18. The secondary reference to Niebylski et al. does not cure the deficiencies noted above with regard to Fiedler et al. The Niebylski et al. patent only teaches how to make sandwiched materials by laminating layers

onto foam. There is absolutely no teaching at all as to how to form a foam in a hollow body. Accordingly, the Niebylski et al. patent can not be said to overcome the deficiencies noted above with regard to Fiedler et al. Accordingly, it is respectfully submitted that claim 18 and the claims which depend therefrom patentably define over the combination of Fiedler et al. taken with Niebylski et al. under 35 U.S.C. 103.

In light of the foregoing, it is submitted that all of the claims as pending patentably define over the cited and applied art of record and an early indication of same is respectfully requested.

An earnest and thorough attempt has been made by the undersigned to resolve the outstanding issues in this case and place same in condition for allowance. If the Examiner has any questions or feels that a telephone or personal interview would be helpful in resolving any outstanding issues which remain in this application after consideration of this amendment, the Examiner is courteously invited to telephone the undersigned and the same would be gratefully appreciated.

It is submitted that the claims as amended herein patentably define over the art relied on by the Examiner and early allowance of same is courteously solicited.

If any fees are required in connection with this case, it
is respectfully requested that they be charged to Deposit
Account No. 02-0184.

Respectfully submitted,

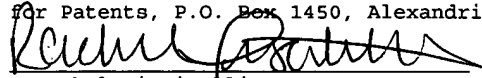
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I hereby certify that this correspondence is being deposited with the United States Postal
Service with sufficient postage as first class mail in an envelope addressed to: "Commissioner
for Patents, P.O. Box 1450, Alexandria, VA 22313" on January 4, 2005.


Rachel Piscitelli